

FILED '10 JUL 02 13:22 USDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

BRADLEY D. MAIER,

Plaintiff,

Civil No. 09-896-TC

v.

FINDINGS AND  
RECOMMENDATION

MULTNOMAH COUNTY  
SHERIFF'S OFFICE, et al.,

Defendants.

COFFIN, Magistrate Judge.

Plaintiff filed a pro se complaint alleging violations of his civil rights while incarcerated in the Multnomah County (Iverness) Jail.

Court orders sent to plaintiff at his address of record was returned to the court as "Undeliverable" on February 23, 2010, and March 10, 2010.

Pursuant to Local Rule 83.10, a party not represented by

counsel has a "continuing duty to notify, the clerk's office whenever they change their mailing address or telephone number." When mail from the court to a party cannot be delivered due to the lack of a current address, and the failure continues for sixty (60) days, the court may dismiss the action. Local Rule 83.12.

Accordingly, plaintiff's complaint should be dismissed (without prejudice) for failure to comply with the requirement of LR 83.10 and for failure to prosecute.

This proceeding should be dismissed.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's

recommendation.

***Certificate of Appealability***

*Should petitioner appeal, a certificate of appealability should be denied as petitioner has not made a substantial showing of the denial of a constitutional right. See, 28 U.S.C. § 2253(c)(2).*

DATED this 2 day of July, 2010.

  
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Thomas M. Coffin  
United States Magistrate Judge